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10/619,319	07/14/2003	Timothy Fleming	37515/277980	7300

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EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/619,319

Applicant(s)

FLEMING, TIMOTHY

Examiner

Sherman D. Basinger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-12 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. With regard to the drawings filed January 24, 2005 and September 20, 2004: Sheet 1/7 filed January 24, 2005 **is not been approved** because the showing of the receptacles 30 is new matter and because the showing of the outboard motor receptacle on the transom is new matter.

Sheet 1/7 filed September 20, 2004 **is not been approved** because the showing of the receptacles 30, the 5 small circles in sections 22 and 26 and the receptacle for the outboard motor on the transom are all new matter.

Sheet 3/7 filed September 20, 2004 **is not approved** because the design of the outboard receptacle on the transom is new matter.

Sheet 7/7 filed September 20, 2004 **is not approved** because the details of the outboard motor receptacle 110 and the plate 106 are new matter.

**Sheets 2/7, 4/7, 5/7 and 6/7 filed September 20, 2004 are approved.**

2. The drawings originally filed were objected to because the shading in figures 1-3 and 7 prevents one from seeing the structure of the invention (especially the rails of figure 7); the sentences and references to ZODIAC Mark V and the Ribkit in figures 1-3 are objectionable; the views of figures 2A and 2B are not separated; and the lines numbers and letters in figures 6A, 6B and 7 are not uniformly thick and well defined. Corrected drawing sheets were required in reply to the first Office action to avoid abandonment of the application.

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3. The following information was included in the first office action: Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyne.

Hyne discloses a boat comprising:

a. a deck 19 including a receptacle 24, and

b. an accessory (11, 12, 13, 14, 15) firmly connected to the deck but removable therefrom, the accessory being fitted into the receptacle in use and including a quick-release fastener 28 received by the receptacle in use.

Hyne also discloses a boat further comprising at least one buoyancy tube shown in figure 1.

Hyne also discloses a boat further comprising a transom to which the rudder is attached and to which an outboard motor may be mounted. The mast support including tube 12, support member 13 and struts 14 and 15 is considered to be a console.

Hyde also discloses a boat means (stringers 11) for connecting the console to any outboard motor mounted to the transom.

An outboard motor mounted to the transom will be connected to the console through the inflatable tube, the floor 19 and the stringers 11.

The plate incorporated into the deck is plate 24. Plate 24 forms the receptacle and therefor the receptacle is included in the plate.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyne in view of Harding.

Hyne discloses that the deck is of sections, but does not disclose that the deck is removable and that the sections are foldable. Harding discloses a deck of removable and foldable sections-see column 1, lines 23-25 and column 4, lines 61-end.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to modify the sections of the deck of Hyne to be foldable similar to how the deck sections of Harding are foldable and to be removable similar to how the deck sections of Harding are removable. Motivation to do so can be found in the last 8 lines of column 4 of Harding.

8. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyne in view of Goldsmith.

Hyne does not disclose the accessory as being a seat structure with a seat and a container fuel tank.

Goldsmith discloses an accessory for an inflatable boat which is a seat that is a fuel tank container.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a seat container similar to that of Goldsmith to the dinghy of Hyne using the receptacle and fastener system of Hyne to removably attached the seat container to the dinghy. Motivation to do so is to provide a seat to the dinghy of Hyne which is versatile due to the seat being also useful as a fuel tank.

9. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyne in view of McCrory et al.

Hyne does not disclose the D ring. McCrory et al discloses D ring 88 connected directly or indirectly to the deck for connecting an accessory thereto, a plate 94 to which the D ring is attached, a bottom plate 96 positioned underneath the deck 26 and a fastener adhesive for connecting the plate to the bottom plate.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a D ring similar to 88 of McCrory et al to the deck 19 of Hyne using a plate, bottom plate and fastener similar to those of McCrory et al to connect the D ring directly or indirectly to the deck. Motivation to do so is to provide a D ring to the deck of Hyne for tying down cargo in the dinghy.

The D ring provided to Hyne would not project slightly above the deck when not in use; however to have it do so would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains in order to make it accessible and yet, keep it out of the way.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyne in view of Harding.

Hyne does not disclose a method of making an inflatable boat having a length more compact for storage or transport, comprising:  
deflating an inflatable element;

disconnecting at least one accessory from a deck spanning substantially the length of the boat; and removing the deck.

Hyne does disclose his deck 19 spanning substantially the length of the boat and does disclose at least one accessory removably attached to the deck. Harding discloses removing his deck and deflating his inflatable elements. In view of the teaching of Harding (see column 4, lines 61-end), it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to deflate the inflatable element of Hyne, disconnect the accessory from the deck and remove the deck. Motivation to do so is to store the boat, accessory and deck for transport.

### ***Response to Arguments***

11. Applicant's arguments filed January 24, 2005 have been fully considered but they are not persuasive.

12. Applicant's is in disagreement with the examiner's holding of sheets 1/7 and 7/7 as filed September 20, 2004 as not being approved because each sheet adds new matter. It should be pointed out that sheet 3/7 as filed September 20, 2004 is now not approved because it too adds new matter. Additionally, sheet 1/7 filed January 24, 2004 is likewise not approved because it too adds new matter. Applicant's originally filed drawings were of such poor quality, it is difficult to see the receptacles 30, the



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outboard receptacle 110 on the transom and the plate for the outboard motor 106. In view of this, the depiction of the receptacles 30, the outboard receptacle 110 and the outboard plate 106 in sheets 1, 3 and 7 as filed September 20, 2004 and January 24, 2004 find no support in the drawings as originally filed. Absent this support, the depiction of each in the drawings in question is new matter.

13. With regard to applicant's arguments concerning claim 1 and Hyne, it is pointed out that the fastener and accessory defined in claim 1 are claimed as two different structures. Thus if the receptacle 24 of Hyne receives the accessory and the receptacle receives the fastener 28, the claim is met. In viewing figures 5 and 6 of Hyne, spring clip 24, which is the receptacle, does receive both the fastener 28 and at least part of the accessory 11. The end of pin 28 is received in stringer 11 which is received in spring clip 24. Figure 5 of Hyne clearly shows that both the stringer 11 and the pin 28 are received in spring clip 24.

14. In rebuttal to applicant's arguments concerning claim 12: The examiner still holds that claim 12 is unpatentable. It is very well known that if one deflates any inflatable it becomes more compact for storage or transport. It is very well know that if a structure is taken apart it becomes more compact for storage or transport. Harding clearly discloses that his deck and inflatable boat are made more compact for storage or transport by folding the deck and deflating the boat. Such teachings are applicable to the boat of Hyne.

***Conclusion***


15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET)/5:30-2:00(after 4/11/05).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
Art Unit 3617 3/7/05

3/7/05